

80



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,876	01/25/2002	Stanley Edward Jaffe	10011300-1	1781

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/056,876

Applicant(s)

JAFFE, STANLEY EDWARD

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 6 - 11, 13 - 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 6 - 11, 13 - 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2173

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 – 3, 6 – 11, 13 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander (“Alexander”; US #6,201,384 B1) in view of Lewis et al. (“Lewis”; US #5,381,524).

As in independent claims 1, 9, 16 (claim 1 quoted as exemplary), Alexander’s GRAPHICAL SYSTEM AND METHOD FOR AUTOMATICALLY SCALING WAVEFORMS IN A SIGNAL MEASUREMENT SYSTEM is part of a signal measurement system such as a digital or analog oscilloscope, logic analyzer, network analyzer, spectrum analyzer or waveform generator (Abstract), and is thus concerned with a “signal waveform being from a signal detected by the electronic instrument”. A waveform such as in Alexander’s fig 3A has applied to it a region designated by “a pointing device”, and “values for the selected parameter” (in this case, the “parameter” of zoomed-in display extent) are thereby applied in creating the display of fig 3B. See also Alexander, col 10, lines 36 – 59, in which the rescaling rectangle 310’s use is discussed.

While a direct manipulation user interface that controls a rescaling rectangle is seen in Alexander’s manipulation on a “signal waveform” display, Alexander does not **explicitly** teach that “a menu that shows a plurality of parameters” is provided.

However, the Lewis system for AUTOMATED DEVELOPMENT OF TIMING DIAGRAMS permits working with menus and dialog boxes, etc. (col 3, lines 55 – 57) in manipulating the waveform display such as fig 3’s. In particular, the menuing

arrangement of Lewis provides menus 60 that contain the **commands** used for **creating diagrams** (col 5, line 65 – col 6, line 2), and thus establishing their waveform parameters. Selection from menus 60 in Lewis results in the implementation of a command, as in “selection of a parameter from the plurality of parameters”.

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to employ “parameter”-selecting “menu” components as per Lewis in the Alexander “electronic instrument” environment, so that a wider variety of “parameter” selections might be made available. Motivation rests at least in Alexander's “pointing device”-centric implementation, where the pointer would have more use with a menu to select further features.

The pointing device 110 (Alexander fig 1) would have to be at least one of the well-known “pointing device” components in the list of claims 2, 10, 17. Also, since the rescaling rectangle produces a re-sized view of the Alexander waveform, the “parameter” of “zoom in” is supplied as per the alternative list of claims 3, 11, 18. Alexander's user-created rectangular region 310 (col 10, lines 60 – 67) is created as the “user makes a dragging selection using the pointing device” (claims 8, 15, 20): The rescaling rectangle specification module 202 continually tracks the current cursor position as the cursor is dragged across the waveform display region (col 9, lines 28 – 62).

As per claim 19's “menu” “to select parameters”, please note the menus 60 of Lewis, where “changing the selected parameter” for waveform modification can occur. The “pull down menu” of claims 6, 13 reads upon Lewis' fuller disclosure of pull-down

Art Unit: 2173

menus 60 (col 8 line 66 – col 9, line 2). When such a menu's operation is complete and it is "closed", in a setting like Alexander's, "the selected parameter is displayed" (claims 7, 14), at least in the resulting graphical effect that is seen.

3. Applicant's arguments filed 2 May 2005 have been fully considered but they are not persuasive.

A principal argument of applicant's, as it appears on page 11 of the remarks, is that "neither Alexander nor Lewis teach that the pointer in Alexander would have more use with a menu to select further features". However, it remains that the menus 60 in Lewis are used to provide a selection from commands used for creating diagrams. In the analogous waveform-viewing setting of Alexander, where a waveform is manipulated according to pointer-based input, this addition of choices would provide an immediate benefit, in the number of such graphically-oriented commands the user has within a given context.

Thus, to answer applicant's argument as it appears at page 12; that "[n]either Alexander or Lewis disclose or suggest allowing selection of a parameter from a plurality of parameters and then adjusting values for the parameter...based on locations on the display selected by a user using a pointing device", the adjustment *per se* of a parameter that is seen through the use of user-created rectangular region 310 in Alexander would become desirably expanded to a larger number of "pointing device"-mediated "parameter"-setting operations, given a "menu" as per Lewis.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571)

Art Unit: 2173

272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

9 June 2005